

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 08-3035

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Gene Brehmer,

Appellant,

v.

Xcel Energy, Inc.,

Appellee.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: November 24, 2009

Filed: December 14, 2009

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Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Gene Brehmer appeals the district court's<sup>1</sup> adverse grant of summary judgment on his claims brought under the Family and Medical Leave Act and state law. After reviewing the record de novo, and viewing it in the light most favorable to Brehmer, see Woods v. DaimlerChrysler Corp., 409 F.3d 984, 990 (8th Cir. 2005) (summary judgment standard of review); Koch Eng'g Co. v. Gibraltar Cas. Co., 78 F.3d 1291, 1294 (8th Cir. 1996) (standard of review for determination of state law), we conclude

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<sup>1</sup>The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota.

that summary judgment was proper for the reasons stated by the district court. Accordingly, we affirm. See 8th Cir. R. 47B.

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